

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST (REVOCATION OF PRIOR
POWERS AND APPOINTMENT OF NEW
POWER)**

Docket Number:

(11411/115)

Application Number

09/482,688

Filing Date

January 12, 2000

Examiner

Art Unit

Invention Title

**FOOD SUPPLEMENT FOR INCREASING LEAN MASS AND
STRENGTH**

Inventor(s)

Paul T. GARDINER

Address to:

Assistant Commissioner for Patents
Washington D.C. 20231

As assignee of the entire interest of the above-identified application by virtue of an executed Assignment being recorded in the U.S. Patent and Trademark Office, all powers of attorney previously given are hereby revoked and the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent and Trademark office connected therewith:

Richard L. Delucia (28,839)

Patrick J. Birde (29,770)

Siu K. Lo (Reg. No. 46,877)

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (phone)
(212) 425-5288 (facsimile)

MUSCLETECH RESEARCH AND DEVELOPMENT, INC.

Date:

April 2/2001

By:

Paul Gardiner

Name: PAUL GARDINER

Title: PRESIDENT

EXPRESS MAIL NO EV 321 889 815 US

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. 3.73(b)

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FOOD SUPPLEMENT FOR INCREASING LEAN
MASS AND STRENGTH

Inventor(s)
Paul T. GARDINER

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Assistant Commissioner for Patents
Washington D.C. 20231

MuscleTech Research and Development, Inc., certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above which is being filed concurrently in the Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

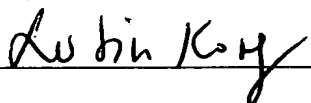
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 4/12/01

Name : Siu K. Lo

Title : Attorney of Record (Reg. No. 46,877)

Signature : 

EXPRESS MAIL EV 321 889815US

①

DECLARATION
and
POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Food Supplement for Increasing Lean Mass and Strength**, the specification of which

☒ is attached hereto.

☐ was filed on _____ as application serial no. _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim U.S. provisional application or foreign priority benefits under Title 35, United States Code, §119 of any U.S. provisional applications or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior U.S. Provisional or Foreign Application(s)				
			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

EXpress Mail NO EV 321889815US

09/420/439	October 18, 1999	Pending
(Application Serial No.) (Filing Date)		(Status)
		(patented, pending, abandoned)

		(Status)
(Application Serial No.) (Filing Date)		(patented, pending, abandoned)

I hereby appoint Holly D. Kozlowski, Registration No. 30,468; Ronald J. Snyder, Registration No. 31,062; James D. Liles, Registration No. 28,320; Lynda E. Roesch, Registration No. 29,696; Phillip A. Rotman II, Registration No. 38,290; Martin J. Miller, Registration No. 35,953; Victor C. Moreno, Registration No. 40,732; Jackie A. Zurcher, Registration No. 42,251; John V. Harmeyer, Registration No. 41,815; Scott N. Barker, Registration No. 42,292; and Geoffrey L. Oberhaus, Registration No. 42,955, my attorneys, c/o Dinsmore & Shohl LLP, 1900 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202 (513) 977-8200, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the above-named U.S. attorneys to accept and follow instructions from Bereskin & Parr as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the undersigned and the aforementioned U.S. attorneys. In the event of a change in the firm or persons from whom instructions may be taken, the aforementioned U.S. attorneys will be so notified in writing by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Paul T. Gardiner

Inventor's signature

Paul Gardiner

Date

Dec. 14/99


Residence: 6-295 Queen Street East, Suite 410; Brampton, Ontario L6W-4S6; Canada

Citizenship: Canadian

Post Office Address: 6-295 Queen Street East, Suite 410; Brampton, Ontario L6W-4S6; Canada

505088.01

Full name of second inventor: **Derek E. Woodgate**

Inventor's signature  12/12/99
Date

Residence: 14 Langford Ct., Brampton, Ontario L6W 4K4; Canada

Citizenship: Canada

Post Office Address: 14 Langford Ct., Brampton, Ontario L6W 4K4; Canada

Full name of third inventor: **Mark S. Gilbert**

Inventor's signature  Dec-14/99
Date

Residence: 1432 Stonebrook Trail, Oakville, Ontario L6M 2P4; Canada

Citizenship: Canada

Post Office Address: 1432 Stonebrook Trail, Oakville, Ontario L6M 2P4; Canada

Full name of fourth inventor: **Robert W. Thoburn**

Inventor's signature _____
Date

Residence: 702-159 Frederick St., Toronto, Ontario M5A 4P1; Canada

Citizenship: Canada

Post Office Address: 702-159 Frederick St., Toronto, Ontario M5A 4P1; Canada

DECLARATION
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POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Food Supplement for Increasing Lean Mass and Strength, the specification of which

☒ is attached hereto.

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Prior U.S. Provisional or Foreign Application(s)				
			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No

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EXPress Mail 321 889 815us

09/420,439	October 18, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

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I hereby appoint Holly D. Kozlowski, Registration No. 30,468; Ronald J. Snyder, Registration No. 31,062; James D. Liles, Registration No. 28,320; Lynda E. Roesch, Registration No. 29,696; Phillip A. Rotman II, Registration No. 38,290; Martin J. Miller, Registration No. 35,953; Victor C. Moreno, Registration No. 40,732; Jackie A. Zurcher, Registration No. 42,251; John V. Harmeyer, Registration No. 41,815; Scott N. Barker, Registration No. 42,292; and Geoffrey L. Oberhaus, Registration No. 42,955, my attorneys, c/o Dinsmore & Shohl LLP, 1900 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202 (513) 977-8200, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Full name of sole or first inventor: Paul T. Gardiner

Inventor's signature _____

Date _____

Residence: 6-295 Queen Street East, Suite 410; Brampton, Ontario L6W-4S6; Canada

Citizenship: Canadian

Post Office Address: 6-295 Queen Street East, Suite 410; Brampton, Ontario L6W-4S6; Canada

505088.01

Full name of second inventor: Derek E. Woodgate

Inventor's signature _____ Date _____

Residence: 14 Langford Ct., Brampton, Ontario L6W 4K4; Canada

Citizenship: Canada

Post Office Address: 14 Langford Ct., Brampton, Ontario L6W 4K4; Canada

Full name of third inventor: Mark S. Gilbert

Inventor's signature _____ Date _____

Residence: 1432 Stonebrook Trail, Oakville, Ontario L6M 2P4; Canada

Citizenship: Canada

Post Office Address: 1432 Stonebrook Trail, Oakville, Ontario L6M 2P4; Canada

Full name of fourth inventor: Robert W. Thoburn

Inventor's signature Robert W. Thoburn Jan. 19/2000
Date

Residence: 702-159 Frederick St., Toronto, Ontario M5A 4P1; Canada

Citizenship: Canada

Post Office Address: 702-159 Frederick St., Toronto, Ontario M5A 4P1; Canada